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The New Soviet Arms Plan and the Fear of Surprise Attack

For a country which has been in as much of a dither as ours during the past few weeks over the danger of surprise attack, it is astonishing how little attention has been paid to the new Soviet disarmament proposals which deal directly with the problem. In part this inattention is due to Mr. Khrushchov himself; his lack of restraint at the Kremlin press conference blanketed the plan it was supposed to launch. In part, however, the failure of the American press to discuss these Soviet proposals in any but the most cursory fashion illustrates the extent to which our editors and reporters rely on official handouts. The propaganda agencies of White House, State Department and Pentagon turned on the "danger of surprise attack" chorus to cover the U-2 affair. When serious proposals are made to deal with this danger, the government's spokesmen suddenly lose interest in the subject and our own press—almost as Pavlovian in its mechanical response to the government line as Soviet journalists—follow suit, too. They only salivate when the official bells ring.

The Key to the Problem: Means of Delivery

Two years ago Philip Noel-Baker in his book *The Arms Race*, the most comprehensive study made in recent years, said "the problem of nuclear aggression, which threatens the future existence of mankind, could be solved if the 'means of delivery' required for nuclear weapons were abolished." Now the Russians have put forward a three-stage disarmament program the first stage of which calls for the destruction under international control "of all means of delivering nuclear weapons" including the one weapon against which there is no defense, the weapon which for the first time opens our country to direct attack, the intercontinental ballistic missile. The Russians offer to destroy this weapon which menaces us if we will disband the overseas bases which menace them. "International inspection teams" would supervise the elimination of all foreign bases, establish controls "on airfields and at ports" to make sure they are not used for military purposes" and—here we come to the crucial provision—"at the same time the destruction of missile-launching sites shall be carried out under the supervision of an international control organization, with the exception of the sites which shall be maintained for the launching of rockets for peaceful purposes."

To make sure that these rocket sites are not misused, the proposed treaty would establish two safeguards. Paragraph 4 of the First Stage says "The launching of rockets shall be carried out solely for peaceful purposes and in accordance with predetermined and mutually agreed criteria, and shall be accompanied by agreed measures of verification, *including the inspection of the sites for the launching of such rockets.*" [Italics added]. Paragraph 7 spells this out. "International inspection teams dispatched by the control organization," it says, "shall be entitled to carry out comprehensive examination of rocket devices being launched for peaceful purposes *and to be present at the time of launching.*" [Italics added]. This would disclose those bases the U-2's were spying out.

Add Aberrations of A Senator

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed as a Senate document a study by Dr. Herman Kahn [of the Air Force RAND Corp.] entitled 'The Nature and Feasibility of War and Deterrence' along with a short foreword I have prepared."

—Humphrey in U.S. Senate, May 24.

"I consider it an honor to present . . . it embodies the intellectual honesty and rigor so much needed in discussing the problems of our survival as a free people."

—From Humphrey's foreword, Sen. Doc. 101.

"We must be able to stand up to the threat of fighting a war and to credibly threaten to initiate one. [Emphasis added]. . . . We must have an 'alternative to peace'. . . . These remarks will distress all who, very properly, view the thought of fighting a war with so much horror that they feel uneasy at having even a high-quality deterrent force, much less a credible capability for initiating, fighting and terminating all kinds of wars. [Emphasis added.] While one can sympathize with this attitude, it is, I believe, close to being irresponsible."

—From Herman Kahn's conclusions.

Before Those Space Platforms Appear

These safeguards against surprise attack would also offer means of curbing the next development—space platforms which could deepen the universal nightmare by threatening to catapult nuclear rockets from the skies. If the danger of surprise attack is so great that it justifies U-2 flights, it certainly justifies a great national debate on these proposals and their fullest exploration at the negotiating table. They also contain provisions forbidding the spread of nuclear weapons to powers not already possessing them, and calling for the destruction, with "on the site inspection," of "all the available stockpiles of nuclear, chemical and bacteriological weapons." They embody, in a program of universal disarmament, several Western proposals, including a control organization with wide powers of inspection and "the right to send mobile inspection teams to any point or any establishment in the territories of states." The third stage also provides, "The control organization may, when necessary.

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Barenblatt, Uphaus and Chandler Davis Imprisonment Also Cited by Justice Douglas

Dissenting Judges Protest Inference of Guilt from Invocation of 5th

From the dissent by Mr. Justice Douglas, with whom the Chief Justice and Mr. Justice Black joined, in the Kimm case last Monday. Mr. Justice Brennan dissented separately:

"It has become much the fashion to impute wrongdoing to or to impose punishment on a person for invoking his constitutional rights. Lloyd Barenblatt has served a jail sentence for invoking his First Amendment rights. As this is written, Dr. Willard Uphaus, as a consequence of our decision in *Uphaus v. Wyman,* is in jail in New Hampshire for invoking rights guaranteed to him by the First and Fourteenth Amendment. So is the mathematician, Horace Chandler Davis, who invoked the First Amendment against the House Un-American Activities Committee. Today we allow invocation of the Fifth Amendment to serve, in effect though not in terms, as proof that an alien lacks the 'good moral character' which he must have under 19 (c) of the Immigration Act in order to become eligible for the dispensing powers entrusted to the Attorney General.

No Evidence of Bad Character

"The import of what we do is underlined by the fact that there is not a shred of evidence of bad character in the record against this alien. The alien has fully satisfied the requirements of 19 (c) as shown by the record. He entered as a student in 1928 and pursued his studies until 1938. He planned to return to Korea but the outbreak of hostilities between China and Japan in 1937 changed his mind. Since 1938 he has been continuously employed in gainful occupations. That is the sole basis of his deportability. The record shows no criminal convictions, nothing that could bring stigma to the man. His employment since 1938 has been as manager to a produce company, as chemist, as foundry worker, and as a member of the OSS during the latter part of World War II. He also was self-employed in the printing business, publishing a paper, 'Korean Independence.' No one came forward to testify that he was a Communist. There is not a word of evidence that he had been a member of the Communist Party at any time. The only thing that stands in his way of being eligible for suspension of deportation by the Attorney General is his invocation of the Fifth Amendment. . . .

"I had assumed that invocation of the privilege is a neutral act, as consistent with innocence as with guilt. We pointed out in *Slochower v. Board of Education:* 'The privilege serves to protect the innocent who otherwise might be ensnared by ambiguous circumstances.' We re-emphasized that view in *Grunewald v. U.S.:* 'Recent re-examination of the history and meaning of the Fifth Amendment has emphasized anew that one of the basic functions of the privilege is to protect *innocent* men.'

"We went further in *Konigsberg v. Star Bar* and in *Schware v. Board of Bar Examiners* and held that even past membership in the Communist Party was not by itself evidence that the person was of bad moral character.

"We therefore today make a marked departure from precedent when we attach a penalty for reliance on the Fifth Amendment. The Court in terms does not, and cannot, rest its decision on the ground that by invoking the Fifth Amendment the petitioner gave evidence of bad moral character. Yet the effect of its decision is precisely the same. In so holding we disregard history and, in the manner of the despised oath *ex officio,* attribute wrongdoing to the refusal to answer. It seems to me indefensible for courts which act under the Constitution to draw an inference of bad moral character from the invocation of a privilege which was deemed so important to this free society that it was imbedded in the Bill of Rights."

Preventive War Note

Senator MUNDT: Isn't the danger of a surprise attack such that the world has other assurances besides an open-skies policy as far as the U.S. is concerned? We have moral compunction. . . .

Former Governor HARRIMAN: Unhappily some of our military—and I won't mention names—have been going around the world at different times and discussed the advisability of a preventive war. That has not been helpful.

—Senate Subcom. on Nat'l Policy Machinery, June 2

Harriman: Ike's Visit to Russia An Opportunity Lost and Why K Acted as He Did

Senator HUMPHREY: I think the world ought to know that Mr. Khrushchov and the men in the Kremlin were afraid to let the President of the United States come to the Soviet Union in the light of what I think would have been a historical breakthrough to the public of the Soviet Union.

Mr. W. Averell HARRIMAN [former Ambassador to Russia]: I am not sure that Khrushchov didn't want it. And I am also quite sure that there were elements within the Kremlin that were afraid of it and didn't want it from the very beginning, just, of course, as there were people who didn't want Khrushchov to come here. But I am not sure that Khrushchov was against it because he would bask in the glory of having produced him. He wants popular applause.

You know he went back from his trip to the United States . . . [and] he boasted and he said "I was a great success over there, and I have become a great friend of the President of the United States, and I have brought peace to you. The chances of peace are much greater as a result of my trip."

Therefore, he said, "Now we can begin to have a little prosperity, too, and we are going to give you some more shoes, and I am going to give you some more refrigerators" which they want very much. And, so, he was running on a platform of peace and a better life. . . .

I think this [the breakdown of the summit] began before the U-2 incident. . . . I think somehow or other he thought he was going to be able to find some middle ground about Berlin, and what happened to that I don't know. In any event, when it appeared as if President Eisenhower was paying more attention to the general approach of Adenauer rather than Macmillan, and when he went to Paris and found de Gaulle's strong views—all of these began before the U-2 incident. . . .

Then I do believe that Mr. Khrushchov did offer the President a way out. Some people think it was a trap. I don't agree with that. I think the President would have done well to have disassociated himself [from the U-2]. . . . Khrushchov gambled his political position on the relationship he developed with President Eisenhower, and he felt very much let down. Let down by the way things happened.

—Senate Subcom. on Nat'l Policy Machinery, June 2.

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Behind the Court of Appeals Decision Against An Atomic Power Plant Outside Detroit

A Nuclear Gamble With the Safety of A Great Industrial Centre

Entirely too little attention is being paid by the press and people of this country to the decision by which the Court of Appeals in the District of Columbia has just upheld a suit by three AFL-CIO unions—the automobile, electrical and paperworkers—to stop construction of a nuclear power plant 30 miles from Detroit. The history of the suit reveals how little the public knows about the dangers to which it may be exposed by the AEC's evasion of safety standards in authorizing such plants. It also shows the importance of having some independent members on the AEC and keeping the Joint Committee on Atomic Energy free from AEC control.

An application to build this reactor at Lagoona Beach, Michigan, was filed in January, 1956 by a specially formed Power Reactor Development Company, representing 14 public utility companies and 7 equipment manufacturers. It was to sell power to Detroit Edison and plutonium to the AEC. It was to be the largest "fast breeder" reactor in the country, a new still experimental type which then AEC Chairman Strauss described as "the most hazardous of all reactors."

"Administratively Confidential"

At the time, fortunately, the AEC still had one independent member, Thomas E. Murray (today it has none). Mr. Murray first called public attention to the danger of building such a reactor so near a great industrial center when he appeared before the House Appropriations Committee in the spring of 1956. Senator Anderson, then chairman of the Joint Committee, warned of these dangers in a speech on the Senate floor.* The Joint Committee learned that on June 6, 1956, the AEC's Advisory Committee on Reactor Safeguards had turned in an adverse report on the project on safety grounds. But when Governor Williams of Michigan on the urging of Senator Anderson and Congressman Holifield asked the AEC for a copy he was told it was "administratively confidential."

After Governor Williams was frightened off, reportedly by pressure from Detroit Edison, Anderson urged Walter Reuther and the auto workers to take a hand. A copy of the adverse report by the Advisory Committee on Reactor Safeguards leaked to Leo Goodman, Reuther's atomic energy adviser. Admiral Strauss, anxious to fight off demands in Congress for public projects in the nuclear field, went ahead despite the adverse report and on August 4, 1956 issued what he called "a provisional construction permit" for the Detroit project. On August 31 the unions filed suit.

The Court of Appeals in a 2-to-1 decision by Judge Edgerton (with Bazelon concurring and Burger dissenting) has now upheld the unions' contention that the issuance of a "provisional construction permit" was a device seized upon by the AEC to circumvent the law. The law requires a finding that such a project "will provide adequate protection to the health and safety of the public." The AEC, unable to make such a finding in view of the adverse report by its own Nuclear Reactor Safeguards Advisory Committee, found instead that the health and safety assurances were adequate "for the purposes of a provisional construction permit."

This type of evasion, as Judge Edgerton pointed out, was feared when the bill was before Congress. Senator Humphrey offered an amendment from the floor which would have forbidden the AEC to issue a construction permit until the health and safety provisions had been fully complied with. Senator Humphrey withdrew the amendment when Senator Hickenlooper, who was floor manager of the bill, assured him it was unnecessary. The Court agreed with Senator Humphrey that to issue a construction permit without full compliance with safety provisions would be a dangerous course. "If enormous sums are invested," Judge Edgerton wrote, "without assurance that the reactor can be operated with reasonable safety, pressure to permit operation without adequate assurance will be great and may be irresistible."

Strauss Banked On A Fait Accompli

This is the situation which confronts the country today. More than $50,000,000 have been spent on the project. It is nearing completion. The decision is already being attacked as a blow to the atomic power program. The real blow, if this decision is reversed, will be to the health and safety standards of the Atomic Energy Act. Strauss, in his eagerness to rush this plant, gambled that once it was constructed the courts would shut their eyes to the evasion of safety standards, even in the case of a plant so close to one of America's greatest industrial centers. "We think it clear," Judge Edgerton ruled, "from the Congressional concern for safety that Congress intended no reactor should, without compelling reasons, be located where it will expose so large a population to the possibility of a nuclear disaster."

The AEC has decided to appeal, though the plant may become a white elephant. *Nucleonics Magazine* reported May 5 that the designers "have just about given up" on one of the most important technical problems involved in it. We believe it time the State of Michigan abandoned its neutral position and appeared, on appeal, as a friend of the court in support of the suit. The unions have spent upwards of $200,000 *pro bono publico* in this action while Governor Williams has sat timidly on the fence.

Cheap Nuclear Power Not in Sight

"Chicago, June 13 (AP)—Joseph Harrer, a nuclear scientist, said today chances were slight that atomic power would replace oil, gas or coal in industry in the foreseeable future. Mr. Harrer, of Argonne National Laboratory, told the American Nuclear Society convention that two decades ago many scientists had made 'wild plans' for the wide use of nuclear power for peaceful industrial purposes. But dollars and cents have put a damper on this, he said, and there have been no breakthroughs."

—New York Times, June 13.

*** These are graphically described in the brief filed by the unions with the Court of Appeals. It says the fission products such a plant could release into the atmosphere "are more toxic per unit weight than any other industrially known materials by a factor of a million to a billion" and that an official AEC report indicated "that the possible damage from a major accident in a large nuclear power plant may run up to $7 billion, killing and maiming many thousands of people, and laying waste scores of thousands of square miles of land."**

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On May 10, 1955, Too, the Russians Offered Safeguards Against Surprise Attack

(*Continued from Page One*)

institute a system of aerial observation and aerial photography over the territories of states." All this illustrates what the Yugoslav government meant when it said on June 4 in praise of the Soviet proposals "negotiations have been essentially facilitated by meeting standpoints of the other side to a great degree."

A Way Really to Liberate East Europe

I am not saying that these proposals do not require careful examination, particularly the set-up of the control organization and the two-thirds vote required on matters of substance. All I am saying is that these are proposals which really offer a way to end the fear of surprise attack, which would open the Soviet Union to widespread inspection and which—under cover of disarmament—would also ease many political problems. One is to bring Communist China into the family of nations and friendly relations *before* it gets the H-bomb. The second is to enable the East European satellite states to pursue their own independent course of development—for the withdrawal of bases also means withdrawal of Soviet troops from Poland, Hungary, and East Germany. Indeed there is implicit in these proposals a daring challenge to the West. If both sides disarm, we give up our means of protecting property rights in former colonial areas and they give up the apparatus of military power on which forcible communization depends. Imperialism and communism alike rest ultimately on bayonets. Competition of the two systems without armed forces would really be a test, a test which in my opinion would encourage more socialism in the underdeveloped areas and more intellectual freedom in the Soviet bloc.

No echo of these great questions can be heard in post-summit oratory, which predominantly stresses the need for more weapons on our part, i.e. for resumption of the arms race. In this, Rockefeller and the Democrats largely agree. The eloquent silence recalls that of five years ago when, on May 10, 1955, the Russians accepted the Western proposals to synchronize cuts in nuclear weapons with cuts in conventional forces under an international control organ. The Russians added proposals for international control posts at ports, railway junctions, main roads and airdromes to prevent the mobilization of forces for surprise attack. After a first expression of pleasure from the Western participants in the talks, the whole matter was dropped from our side.

Our Open Society

"The Army called a press conference yesterday to announce a significant advance in anti-aircraft rocket defense. Exactly what the significance was, the Army refused to say. Capability of the Nike-Hercules system has been tripled, Charles D. Duncan of the Office of Chief of Ordnance announced. When asked, 'Tripled in comparison with what?' Mr. Duncan said military security precluded his answering the question."

—Wm. Hines, Wash. Star Science Writer, June 11.

A basic reason, I believe, was touched upon in a Humphrey disarmament subcommittee staff report the following year (July 22, 1956) which said of the Soviet proposals "By freezing armed forces and conventional armaments at the level of December 31, 1954, a German military contribution to NATO would have been prevented." The rearmament of Germany was then as now a prime consideration of our national policy, and a fundamental road-block to disarmament.

When Eisenhower went to the summit in Geneva a few months later, he unveiled instead that spurious razzle-dazzle worked out for him by Nelson Rockefeller, "the open skies" plan [see our May 30 issue on its fallacies] which was all inspection and no disarmament. It is striking that now, in the Rockefeller challenge to Nixon, amid all its blowzy sophomoric prose, the very word "disarmament" is avoided. Although he admits "Never before in history have nations been armed and able to devastate one another—in mere minutes," he calls for $3 billion more in these weapons of destruction and at the same time says, "I believe in the urgent and formal international inspection and control of arms." Again we have "inspection" and the ambiguous term "control." "Arms control" has become a favorite Pentagon term, a slick substitute for disarmament, a will-o-the-wisp which emphasizes "control," not reduction, of arms.

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